UNITED NATIONS

General Assembly

FORTY-EIGHTH SESSION

Official Records

THIRD COMMITTEE
57th meeting
held on
Thursday, 16 December 1993
at 10 a.m.
New York

SUMMARY RECORD OF THE 57th MEETING

Chairman: Mr. KUKAN (Slovakia)

CONTENTS

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued)

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

This record is subject to correction. Corrections should be sent under the signature of a member of the delegation concerned *within one week of the date of the publication* to the Chief of the Official Records Editing Section, room DC2-794, 2 United Nations Plaza, and incorporated in a copy of the record.

Corrections will be issued after the end of the session, in a separate corrigendum for each Committee.

Distr. GENERAL
A/C.3/48/SR.57
24 February 1994

ORIGINAL: ENGLISH

93-83009 (E)

The meeting was called to order at 11 a.m.

AGENDA ITEM 114: HUMAN RIGHTS QUESTIONS (continued)

(b) HUMAN RIGHTS QUESTIONS, INCLUDING ALTERNATIVE APPROACHES FOR IMPROVING THE EFFECTIVE ENJOYMENT OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS (continued) (A/C.3/48/L.59, L.79, L.85, L.86 and L.87)

1. The CHAIRMAN drew the Committee's attention to paragraph 6 of the report of the Chairman of the Working Group of the Third Committee (A/C.3/48/L.85) containing the text of a draft resolution which the Working Group was recommending for adoption by the Committee, and to its programme budget implications (A/C.3/48/L.87). In addition, he drew attention to draft resolution A/C.3/48/L.59 and to the amendments proposed thereto (A/C.3/48/L.79). The programme budget implications of the latter draft resolution were contained in document A/C.3/48/L.86.

2. Mr. KUEHL (United States of America), speaking on a point of order, said that his delegation was strongly committed to the adoption of the draft resolution recommended by the Working Group, and that it would withdraw draft resolution A/C.3/48/L.59 upon the adoption of the other text on the understanding that the only revisions that would be made would be those introduced by the Chairman of the Working Group.

3. Mr. GANAPATHY (Malaysia) said that his delegation would likewise withdraw its proposed amendments contained in document A/C.3/48/L.79.

Draft resolution concerning "High Commissioner for the promotion and protection of all human rights" (A/C.3/48/L.85)

4. Mr. AYALA-LASSO (Ecuador), speaking as the Chairman of the Working Group of the Third Committee, introduced the draft resolution contained in document A/C.3/48/L.85, which was the result of consensus, and pointed out that a new fourth preambular paragraph had been added which read as follows: "Reaffirming that the right of development is a universal and inalienable right, which is a fundamental part of the rights of the human person".

5. Mrs. ESPINOSA (Mexico), Mr. MAUBERT (France), Mr. FERNANDEZ-PALACIOS (Cuba), Mr. MONGBE (Benin), Ms. FENG Cui (China), Mr. SAHRAOUI (Algeria) and Mr. ALVAREZ (Uruguay) said that the Spanish, French and Chinese texts contained errors and should be brought into line with the English text.

6. The CHAIRMAN asked the representatives to submit their corrections in writing to the Secretary.

7. The draft resolution contained in paragraph 6 of document A/C.3/48/L.85, as orally amended, was adopted.

Explanation of position

8. Mr. BROUHNS (Belgium), speaking on behalf of the European Union, said that the European Union considered establishment of the post of High Commissioner for Human Rights to be an important step towards the promotion and protection of all human rights throughout the world, and that the High Commissioner should be appointed as quickly as possible. He also expressed the hope that the Secretary-General would do whatever was necessary to strengthen the Centre for Human Rights.

9. The European Union had committed itself to the negotiations in order to promote a consensual solution, so that the future High Commissioner might begin his work under the most favourable conditions, and had sought to keep an open mind and to be flexible. It was prepared to continue working in that same spirit.

10. Mr. COLOMA (Chile), speaking on behalf of the Group of Latin American and Caribbean States, said that the Working Group had carried out its mandate in an atmosphere charged with electricity. Through the efforts of the Working Group, and thanks in large measure to the competence of its Chairman, the Organization had managed to demonstrate to ordinary human beings that the United Nations would do whatever was needed to defend them and make protection of their human rights its greatest political and humanitarian priority.

11. Mr. SUTOYO (Indonesia), speaking on behalf of the non-aligned countries, said that the resolution generally reflected the common views of all delegations on how the High Commissioner for Human Rights should carry out his mandate in the promotion and protection of all human rights including the right to development.

12. Mr. DEKANY (Hungary) said that the consensus, as expressed in the draft resolution, reflected the endeavours of the entire international community, and the flexibility of all delegations had been based on their shared commitment to the cause of human rights.

13. It was absolutely essential that the High Commissioner should be provided with the necessary financial and administrative resources to perform the tasks entrusted to him. In view of the unanimous political will reflected in the resolution, it was reasonable to expect that the High Commissioner might be appointed quickly.

14. Mrs. CASTRO DE BARISH (Costa Rica) welcomed the fact that the final phase of the Working Group's efforts to achieve consensus adoption of the draft resolution had commenced on 10 December, the anniversary of the adoption of the Universal Declaration of Human Rights. The resolution was a milestone in the efforts of the Organization to achieve one of its highest priorities.

15. The results of the World Conference on Human Rights reflected the increased commitment to human rights throughout the world. The spirit of cooperation and political will demonstrated by all delegations reflected their acceptance of the

(Mrs. Castro de Barish, Costa Rica)

recommendations contained in the Vienna Programme of Action. Although the draft resolution did not specifically refer to violence against women, she hoped that the new High Commissioner would take that problem into account.

16. Although every Member State was bound to respect the values and principles of the Universal Declaration of Human Rights and the laws designed to ensure respect for those values, human rights were not universally observed or protected. Every year offered ample proof of how much still remained to be done. The High Commissioner should begin a dialogue with all Governments to ensure respect for all human rights. She also emphasized the importance of his functions in coordinating promotion and protection of human rights throughout the United Nations system.

17. Mr. PANEV (the former Yugoslav Republic of Macedonia), speaking on behalf of the Group of Eastern European States, underscored the importance of the decision to establish a post of High Commissioner for Human Rights in light of the current epidemic of human rights violations all over the world. The deliberations at the forty-eighth session had underscored that the international community should do much more to promote and protect human rights. He fully supported the view that human rights were universal and that the right to development was a basic human right which was essential for international cooperation. The High Commissioner should help, in particular, to ensure respect for the human rights of national minorities. The post of High Commissioner for Human Rights should be established in accordance with the draft resolution just adopted and should be entrusted to a person who would enjoy the full confidence of the international community.

18. Mr. SHARP (Australia) welcomed the adoption by consensus of the draft resolution and expressed the hope that the High Commissioner would be provided with the human and financial resources necessary to implement his mandate effectively.

19. Mr. GANAPATHY (Malaysia) welcomed the successful outcome of the intense and, at times, difficult negotiations to reach consensus on the establishment of the post of High Commissioner, noting that the non-aligned countries had played a constructive role in that regard. The High Commissioner should act in such a way as to foster trust and mutual understanding and should adopt a comprehensive approach in implementing his mandate. Lastly, he expressed satisfaction at the general spirit of cooperation and commitment that had made it possible to complete that historic task.

20. Ms. TOMIĆ (Slovenia) said that her country wholeheartedly welcomed the adoption by consensus of the draft resolution, which represented a point of departure for further action aimed at promoting and protecting human rights. Slovenia attached great importance to the comprehensive approach to all human rights and noted with satisfaction that the mandate of the High Commissioner included promoting and protecting the realization of the right to development and enhancing support from relevant bodies of the United Nations system for that purpose. Nevertheless, Slovenia attached the greatest importance to the work of the High Commissioner concerning the most serious human rights violations.

(Ms. Tomić, Slovenia)

Accordingly, her Government welcomed the provision in the draft resolution that the High Commissioner would engage in a dialogue with all Governments in the implementation of his/her mandate with a view to securing respect for all human rights. Although Slovenia had initially put forward more ambitious ideas in a paper entitled "Towards the establishment of the post of the United Nations High Commissioner for Human Rights" (A/C.3/48/8), it had joined the consensus and believed that ultimately the scope of his mandate would be expanded.

21. Mr. SREENIVASAN (India) associated his delegation with the statement made by the representative of Indonesia on behalf of the non-aligned countries. At the Vienna Conference, the international community had considered human rights on a global basis and had decided to meet the challenges in that field through international cooperation. The new spirit that had emerged at the Conference had made it possible to establish the post of the High Commissioner.

22. Mr. HYON (Democratic People's Republic of Korea) expressed satisfaction at the adoption of the draft resolution and said that his delegation would explain its position on the matter at a plenary meeting of the General Assembly.

23. Mr. KHAN (Pakistan) expressed satisfaction at the adoption by consensus of the draft resolution adding that the High Commissioner should be able to work within a general framework based on the universality, indivisibility and interdependence of human rights. The recognition of the right to development in the text demonstrated a mature and balanced approach towards human rights and paved the way for a comprehensive treatment of human rights situations throughout the world.

24. Pakistan had consistently supported the establishment of such a post and believed that a senior United Nations official entrusted with the principal responsibility for United Nations human rights activities, under the direction of the Secretary-General and the intergovernmental bodies, should be able to perform his tasks with impartiality, non-selectivity and non-discrimination. Answering to the United Nations intergovernmental bodies, the High Commissioner would reach conclusions on the basis of a meticulous verification of the facts and would need to take account of all situations where human rights were being grossly or consistently violated. The High Commissioner would not only be in a position to put an end to violations but also to take preventive action.

25. The Office of the High Commissioner involved a global responsibility and should not be used as a tool for carrying out political agendas or promoting vested interests. His activities should not affect international development cooperation for sustainable development and his assessment of human rights situations should not be used as a condition for providing badly needed economic assistance to developing countries. On the other hand, it would be equally immoral to invoke lack of development for justifying gross and systematic human rights violations anywhere in the world. The High Commissioner should also be able to improve the efficiency and effectiveness of the Organization's existing

(Mr. Khan, Pakistan)

human rights machinery. In that regard, his delegation hoped that the shortcomings of the current cumbersome procedures would be overcome by accelerating the current process for taking account of gross violations of human rights.

26. Ms. FENG Cui (China) said that her delegation supported the position of the non-aligned countries and the statements made by the previous speakers. China had participated in the activities of the Working Group and had joined in the consensus and would explain its position on the draft resolution at a plenary meeting of the General Assembly.

27. Mr. APATA (Nigeria) said that the adoption of the draft resolution demonstrated that the international community was interested not only in "bread and water" issues but also those that lifted the human spirit. The decision just adopted brought the Vienna Declaration and Programme of Action closer to implementation.

28. Mr. HYNES (Canada) said that the adoption of the draft resolution was a landmark decision in a long process that would continue with the appointment of the High Commissioner. His mandate would give him the broadest scope for taking initiative and he would require the cooperation and good will of Governments in that regard. The High Commissioner should make full and effective use of his authority and would have Canada's full support to that end.

29. Mr. RATA (New Zealand) said that his country had long supported the establishment of the post of the High Commissioner, which would enhance the Organization's efforts in the field of human rights. He hoped that the High Commissioner would be appointed speedily and provided with the necessary support and resources.

(c) HUMAN RIGHTS SITUATIONS AND REPORTS OF SPECIAL RAPPORTEURS AND REPRESENTATIVES (continued)

30. Mr. MAUBERT (France) said that his delegation wished to join the sponsors of draft resolution A/C.3/48/L.65/Rev.1.

The meeting rose at 12.55 p.m.